

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 16<sup>th</sup> day of August, 2021 at 7:00 p.m. in the BPS Administration Building Board Room, 320 North 5<sup>th</sup> Street, Beatrice, Nebraska.

Mayor Wirth led those in attendance in the Pledge of Allegiance.

### ROLL CALL

Attending: Mayor Wirth, Councilmembers: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan

Absent: None

Mayor Wirth announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

### CONSENT AGENDA

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of regular meeting on August 2, 2021, as on file in the City Clerk's Office
- e. Approval of Treasurer's Report of Claims in the amount of \$876,797.93.
- f. Approval of BASWA Report of Claims in the amount of \$54,955.58.
- g. Approval of write-off of ambulance bad debts.
- h. Resolution Number 6752 entering into a Farm Lease with Justin M. Wiegand for farming purposes.
- i. Resolution Number 6758 regulating parking along 11<sup>th</sup> Street, from the intersections of Ella Street to Dorsey Street.

Moved by Clabaugh, seconded by Morgan, that all items under the consent agenda, be approved, accepted, and/or ratified as presented.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan

Nay: None

Abstain: None

MOTION CARRIED.

### PUBLIC HEARINGS/BIDS

**Public Hearing on the substantial change to the Redevelopment Contract with Northgate Campus One, LLC, due to the increased size of the redevelopment area being replatted as Lot Two (2) Northgate Crossing Third Addition to the City of Beatrice, Gage County, Nebraska**

Mayor Wirth announced that a public hearing will now be held on the substantial change to the Redevelopment Contract with Northgate Campus One, LLC, due to the increased size of the redevelopment area being replatted as Lot Two (2) Northgate Crossing Third Addition to the City of Beatrice, Gage County, Nebraska.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that Northgate Campus One, LLC, recently replatted a portion of the redevelopment area where Rare Earth Salts is located, just north

of Beatrice Community Hospital and Health Center. There were originally two (2) lots when the Redevelopment Contract was signed. The lot on the east side was replatted for sale and includes more area, which is a substantial change to the Contract. Tempelmeyer explained state statute requires a public hearing for any substantial change to TIF agreements. Tempelmeyer stated the only change to the Contract was the additional land and there will be no impact to the pay back. Councilman Kerr inquired if this effects the percentage of blight and substandard area and Tempelmeyer stated it does not, as this area is already blight and substandard.

Moved by Clabaugh, seconded by Fralin, that the public hearing be closed at 7:04 p.m.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan

Nay: None

MOTION CARRIED.

**Public Hearing on the acquisition of real property from Bernita R. Morgan, described as follows: All of Lots One (1) and Two (2), Bradt's Subdivision, Beatrice, Gage County, Nebraska, commonly known as: 701 South 4<sup>th</sup> Street, Parcel No. 010385000**

Mayor Wirth announced that a public hearing will now be held on the acquisition of real property from Bernita R. Morgan, described as follows: All of Lots One (1) and Two (2), Bradt's Subdivision, Beatrice, Gage County, Nebraska, commonly known as: 701 South 4<sup>th</sup> Street, Parcel No. 010385000.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that in December 2019, the house owned by Bernita Morgan located at 701 South 4<sup>th</sup> Street, caught fire and resulted in a total loss. The property was condemned and later demolished by the City. Morgan owes the \$14,234.10 in demolition costs and has agreed to pay the City \$5,000 and deed the property to the City. Morgan will pay \$2,500 at the time of closing and the remaining balance will be paid back with monthly payments of \$105.00, until the balance is paid in full.

Moved by Clabaugh, seconded by Kerr, that the public hearing be closed at 7:05 p.m.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan

Nay: None

MOTION CARRIED.

**Public Hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) for a Housing Rehabilitation Program for Owner-Occupied homes within the City of Beatrice**

Mayor Wirth announced that a public hearing will now be held concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) for a Housing Rehabilitation Program for Owner-Occupied homes within the City of Beatrice.

Tom Bliss, Executive Director for SENDD, reported to the Council that the City is requesting \$547,000 for a Housing Rehabilitation Program for Owner-Occupied homes. Bliss explained that one hundred percent (100%) of the repairs will be paid by CDBG funds, which is designed to benefit low to moderate income families. There will be no local match required. Bliss noted there are no plans to displace families, however, if the City chooses to help a family and the house is found to be beyond repair, the City may choose to relocate that family. Bliss further noted the City will adopt a plan that will address how to handle displacements, if that does happen. Tobias J. Tempelmeyer, City Administrator/General Manager, stated that the annual household income (AHI) for Gage County is \$42,150, and is based upon the number of people living in the home. Bliss

stated the maximum funding per housing unit is limited to \$24,999. Bliss explained if lead abatement is required, they may be able to extend that limit. Bliss reported that the application is due September 15, 2021 and encouraged the City to gather collect twenty-four (24) to thirty (30) pre-applications if possible. Tempelmeyer stated the City has received approximately forty (40) to fifty (50) pre-applications at this time. Tempelmeyer stated the pre-application is available on the City's website and is not binding.

Bliss explained that upon being selected for the grant, SENDD will review the applications for eligibility and then submit to a Housing Committee, which is usually the Council or a smaller group established by the Council, to determine which projects to fund. A housing specialist with SENDD will then meet with the owner on what repairs they would like to see completed.

Councilman McLain inquired if homeowners can do the work themselves. Bliss stated it is preferred to use a licensed contractor, as a warrantee for the work completed is helpful for the grant.

Councilman Kerr inquired if this grant requires contractors to follow the Davis Bacon Act and if local contractors will be used. Bliss stated this is a simpler process and that SENDD tries to keep the contractors local, however, when the project is put out to bid, the low bid typically wins.

Ashley Mason, 1300 Lincoln Street, inquired if local contractors will be allowed to bid and perform the work, as the list found online showed the most local contractor to be located in Lincoln. Tempelmeyer stated if the City is approved for the grant, local contractors will be contacted in order for them to submit a bid.

Moved by Clabaugh, seconded by Billesbach, that the public hearing be closed at 7:16 p.m.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

**Public Hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) to aid in the elimination of slum and blight conditions within the area of downtown designated by the City and identified in the City's 2016 Downtown Revitalization Project.**

Mayor Wirth announced that a public hearing will now be held concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) to aid in the elimination of slum and blight conditions within the area of downtown designated by the City and identified in the City's 2016 Downtown Revitalization Project.

Tom Bliss, Executive Director of SENDD, reported to the Council that this program is similar to the Owner-Occupied Housing Rehabilitation program. Bliss explained this will be like the Phase II or Phase III Downtown Revitalization project the City has participated in previously. The City is requesting \$445,000 in CDBG funds to aid in the elimination of slum and blighted areas in the downtown. Commercial improvements of privately owned properties will include façade improvements, repairs necessary for code violations, and public infrastructure improvements needed for ADA compliance. Bliss noted no persons can be displaced as a result of these activities. Tobias J. Tempelmeyer, City Administrator/General Manager, stated a pre-application is available on the City's website and the City has already received approximately twenty (20) applications. Councilman Kerr inquired if the property owner is required to match the funding they receive. Tempelmeyer stated the property owner is responsible for twenty-five percent (25%) of the cost.

Michael Sothan, Main Street Executive Director, appeared before the Council and thanked them for supporting the grant application for being aggressive & applying. Sothan noted with the last Downtown Revitalization Grant Beatrice was awarded, close to twenty (20) improvements were made. Sothan stated one (1) of the priorities this year if awarded the grant, will be to take on interior structure and usage of 2<sup>nd</sup> floors of buildings, which will serve as a role to meet the housing needs in Beatrice. Sothan further noted that Main Street Beatrice supports this grant as well.

Moved by Clabaugh, seconded by Fralin, that the public hearing be closed at 7:21 p.m.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

## **RESOLUTIONS**

**Resolution Number 6746 executing any and all contracts, documents, exhibits, memoranda, and all other documents necessary to effectuate the Prudent RX Copay Optimization Program as part of the City's self-funded employee health plan**

Mayor Wirth introduced Resolution Number 6746 executing any and all contracts, documents, exhibits, memoranda, and all other documents necessary to effectuate the Prudent RX Copay Optimization Program as part of the City's self-funded employee health plan.

Moved by Clabaugh, seconded by Kerr, that Resolution Number 6746 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this resolution came before this Body at the last meeting and action was delayed until tonight. Tempelmeyer explained that this program is for those individuals on the City's health insurance plan that are required to take special medication and will save the City some money, as well as those employees. Councilman Clabaugh stated the questions he had were mostly answered and since this saves the City and those employees money, he is ok with it. Councilman Kerr inquired if it affects the local pharmacies and Councilman Clabaugh stated most business for specialty prescriptions go outside of Beatrice.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Resolution Number 6746 has been passed and adopted.

**Resolution Number 6753 executing the Railroad Track Maintenance Agreement between the City and Accuma Corporation, for the sharing of the costs of maintaining the railroad trackage owned by the City**

Mayor Wirth introduced Resolution Number 6753 executing the Railroad Track Maintenance Agreement between the City and Accuma Corporation, for the sharing of the costs of maintaining the railroad trackage owned by the City.

Moved by Clabaugh, seconded by Billesbach, that Resolution Number 6753 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that the rail spur located in the Industrial Park is owned by the City, and is used by Accuma. An agreement between Burlington Northern Santa Fe (BNSF) and the City, required the City to maintain this line. Recently BNSF notified Accuma

of repairs needed. The City hired Burns & McDonnell to inspect the track and they found approximately 175 railroad ties need to be replaced. The City met with Accuma and both parties have agreed to split the estimated \$50,000 in repairs.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Resolution Number 6753 has been passed and adopted.

**Resolution Number 6754 consenting to and approving the First Amendment to Redevelopment Contract with Northgate Campus One, LLC**

Mayor Wirth introduced Resolution Number 6754 consenting to and approving the First Amendment to Redevelopment Contract with Northgate Campus One, LLC.

Moved by Clabaugh, seconded by Morgan, that Resolution Number 6754 be passed and adopted.

There was no further discussion by the City Council or public.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Resolution Number 6754 has been passed and adopted.

**Resolution Number 6755 executing the application and any other documents necessary for the Nebraska Department of Economic Development Community Development Block Grant (CDBG) for an Owner-Occupied Housing Rehabilitation Program within the City**

Mayor Wirth introduced Resolution Number 6755 executing the application and any other documents necessary for the Nebraska Department of Economic Development Community Development Block Grant (CDBG) for an Owner-Occupied Housing Rehabilitation Program within the City.

Moved by Clabaugh, seconded by Morgan, that Resolution Number 6755 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, informed the Council that the grant is due September 15, 2021.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Resolution Number 6755 has been passed and adopted.

**Resolution Number 6756 executing the application and any other documents necessary for the Nebraska Department of Economic Development Community Development Block Grant (CDBG) to aid in the elimination of slum and blight conditions within the area of downtown designated by the City**

Mayor Wirth introduced Resolution Number 6756 executing the application and any other documents necessary for the Nebraska Department of Economic Development Community Development Block Grant

(CDBG) to aid in the elimination of slum and blight conditions within the area of downtown designated by the City.

Moved by Clabaugh, seconded by McLain, that Resolution Number 6756 be passed and adopted.

Councilman Billesbach inquired if this grant had the same deadline as the Owner-Occupied Housing Rehabilitation grant previously discussed. Tempelmeyer stated both grants have the same deadline, which is September 15, 2021.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Resolution Number 6756 has been passed and adopted.

## **ORDINANCES**

### **Ordinance amending Section 2-83 of the Beatrice City Code regarding the publications of city ordinances**

Mayor Wirth introduced an ordinance amending Section 2-83 of the Beatrice City Code regarding the publications of city ordinances.

Moved by Clabaugh, seconded by Fralin, that said ordinance be given number 21-34 the title thereof be approved, the rules be suspended, and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 21-34 by number only the first, second, and third time.

Moved by Clabaugh, seconded by Fralin, that Ordinance Number 21-34 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that state statute requires all approved ordinances to be published in pamphlet form. The City currently publishes approved ordinances in the Daily Sun. LB159 amends state law to allow publishing approved ordinances electronically. The proposed amendment would allow the City to publish approved ordinances on the City's website. Tempelmeyer stated there are some exceptions which require certain ordinances, such as sale of real estate and annexations, to be published in full.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Ordinance Number 21-34 has been passed and approved.

### **Ordinance vacating all of Lots Twelve (12), Thirteen (13), and Fourteen (14), Block 26, West Park Addition to the City of Beatrice, Gage County, Nebraska**

Mayor Wirth introduced an ordinance vacating all of Lots Twelve (12), Thirteen (13), and Fourteen (14), Block 26, West Park Addition to the City of Beatrice, Gage County, Nebraska.

Moved by Clabaugh, seconded by Morgan, that said ordinance be given number 21-35 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 21-35 by number only the first, second, and third time.

Moved by Clabaugh, seconded by McLain, that Ordinance Number 21-35 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that the house at 214 Abbott Street was dilapidated and torn down approximately ten (10) years ago. New owners have come forward and will be redeveloping the property. The first step is to vacate the existing lots and then the property will be replatted into one (1) parcel.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Ordinance Number 21-35 has been passed and approved.

#### **Ordinance approving the plat of Wallman Addition to the City of Beatrice, Gage County, Nebraska**

Mayor Wirth introduced an ordinance approving the plat of Wallman Addition to the City of Beatrice, Gage County, Nebraska.

Moved by Clabaugh, seconded by Fralin, that said ordinance be given number 21-36 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 21-36 by number only the first, second, and third time.

Moved by Clabaugh, seconded by Fralin, that Ordinance Number 21-36 be passed and approved.

There was no further discussion by the City Council or public.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Ordinance Number 21-36 has been passed and approved.

#### **RESOLUTIONS**

#### **Resolution Number 6757 executing the Contract for Donation of Real Estate and all necessary documents to acquire real estate from Bernita R. Morgan**

Mayor Wirth introduced Resolution Number 6757 executing the Contract for Donation of Real Estate and all necessary documents to acquire real estate from Bernita R. Morgan.

Moved by Clabaugh, seconded by Kerr, that Resolution Number 6757 be passed and adopted.

There was no further discussion by the City Council or public.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

MOTION CARRIED.

Resolution Number 6757 has been passed and adopted.

## **PUBLIC FORUM**

No one appeared at public forum.

## **DISCUSSIONS/REPORTS**

### **City Administrator's Monthly Report**

Tobias J. Tempelmeyer, City Administrator/General Manager, presented the City Administrator's Monthly Report to the Council. The West Court Street River Access project is underway. Tempelmeyer explained that the large pipes onsite are larger storm water drainage pipes that need to be extended. When those pipes have been installed, the Street Department will install check valves, which will allow water to go out of the tube and not back in to tube, which will hopefully delay the closure of Highway 136 during floods. Mayor Wirth inquired when the project will be completed and Tempelmeyer stated the contractor hopes to have it completed by early October.

Work at the trailhead of Chief Standing Bear is moving forward. The modular bathroom, which will have automatic locks and will be heated in order to keep it open year-round for those using the trail system, has been ordered and is expected to be delivered within the next month. The utility departments will be prepping the area just west of the existing shelter where the bathroom will be installed. A parking lot consisting of ten (10) to twelve (12) stalls will be next to the restroom.

Councilman Kerr inquired the status of moving the drop off recycling bins to the City Auditorium. Tempelmeyer stated the Street Department has been working on pouring a concrete pad west the City Auditorium. The contractor is in the process of installing the fence and upon completion, the recycling bins at both locations will be moved here which is more centrally located for residents.

Tempelmeyer stated the interior at the new Fire Station is progressing, however, the biggest snag at this time is the metal roof, which did not meet the specs. The City was presented with several options: a deduction of the cost and continue with the product as is; select a different vendor; or have the vendor fix their mistake, which is what the City has decided to proceed with. The vendor will be shipping the machine that is used to install pencil wedges to the site and will correct the mistake. The pencil wedges are what helps the metal roof not to bend when the metal warms up.

The mastic sealer contractor is onsite. This process is another mechanism to prolong the life of asphalt that the City is exploring. Tempelmeyer stated the biggest difference between this and armor coating is that the mastic sealer goes down black and takes approximately one (1) hour or so to dry. Driving on this material prior to being dry may cause it to get on vehicles, whereas once the armor coating is put down, a layer of gravel is placed on top and is drivable. Councilman Kerr inquired if the City will be repairing 2<sup>nd</sup> Street, where



a portion has buckled. Tempelmeyer stated it has been temporarily repaired and when the weather cools, the Street Department will make a saw cut in the pavement and replace it with concrete.

### **ADJOURNMENT**

The next regular Council meeting is Tuesday, September 7, 2021 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a Special Meeting on August 30, 2021 at 7:00 p.m. in the BPS Administration Building Board Room, for the purpose of conducting the FY22 & FY23 Budget Hearing.

Moved by Clabaugh, seconded by Billesbach, that the meeting be adjourned at 7:43 p.m.

Roll Call: Yea: Barnard, Billesbach, Clabaugh, Fairbanks, Fralin, Kerr, McLain, Morgan  
Nay: None

**MOTION CARRIED.**

**Erin Saathoff, CMC, City Clerk**

**Stan Wirth, Mayor**